Lessons from Existing Human Rights Mechanisms
(including HRC UPR, Treaty bodies and Special Procedures)

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THE UNIVERSAL PERIODIC REVIEW
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- Created through GA Resolution 60/251, paragraph 5.e (2006).
- Cooperative mechanism and a state-driven process which reviews the fulfillment of the human rights obligations and commitments of all 193 UN Member States once every four and a half years.
- Based on National Report, Summary of stakeholder information, and Compilation of UN information
- 1st cycle (4 years) and 2nd and subsequent cycles (4,5 years).
- Three sessions annually (2 weeks each session).
- 14 countries per session - 42 States annually.
- All 193 UN member States are examined.
- Order of review in 2nd cycle stays same
UNIVERSAL PERIODIC REVIEW

Objectives (HRC Resolution 5/1)

➢ Improvement of the HR situation on the ground.

➢ Fulfilment of the State’s HR obligations and commitments.

➢ Assessment of positive developments and challenges faced by the State.

➢ Enhancement of the States’ capacity and of technical assistance.

➢ Sharing of best practices among States and other stakeholders.

➢ Encourage full cooperation / engagement with the HRC, HR bodies and OHCHR.
UNIVERSAL PERIODIC REVIEW: CYCLE OF THE UPR

Follow-up to the review

National Process

Consideration and adoption of Outcome in plenary

Review in the UPR WG

Post session written views
National Consultation Process

HRC resolution 5/1; need for a broad consultation process.

Who should be consulted?
- Local authorities.
- Trade Unions.
- Community and religious leaders.
- National human rights institutions.
- Human rights defenders.
- Civil society organizations.
- Others.

When to consult?
- Prior to the drafting.
- During drafting process.

How to consult?
- Public call for consultations.
- Meeting in public or in private.
- Others.
A. Description of the **methodology and the broad consultation process** followed.

B. **Developments since the previous review**, particularly normative – institutional framework background.

C. **Promotion and protection of human rights** on the ground: implementation of international HR obligations, national legislation and voluntary commitments, NHRIs activities, public awareness, cooperation with HR mechanisms…

D. Presentation of the **follow-up** to the previous review.

E. Identification of **achievements, best practices, challenges** and constraints regarding the implementation of accepted recommendations and HR developments.

F. Key **national priorities, initiatives and commitments** that the State concerned has undertaken and intends to undertake to overcome the challenges and constraints and improve HR.

G. **Expectations in terms of capacity building** and technical assistance requests and information on support received.
Interactive dialogue in the WG (the Review):

- Working Group: 47 member States of the HRC.
- Member and Observer States participate in the review.
- Stakeholders attend the review but do not participate
  - NGOs with consultative Ecosoc Status and A-status NHRIIs may attend in the main room.

- The State under Review (SuR) presents its national report and responds to written advance questions, replies to questions raised from the floor during the interactive dialogue, and makes concluding remarks (pledeses, comments on next steps)
Adoption of the Outcome (WG Report) in the HRC Plenary:

- The SuR must state its position on the recommendations.
- Stakeholders and NHRIs may participate.
- One hour is allocated for the adoption of the Outcome divided between SuR, States and Stakeholders:
  - 20 minutes SuR
  - 2 minutes NHRI of the SuR (A Status)
  - 20 minutes States
  - 18 minutes Stakeholders
Adoption of the Outcome in HRC Plenary

Contents of the Report of the HRC Plenary

- Summary of the views expressed by the SuR in the Plenary before adoption of the Outcome.
- Replies of the SuR to questions/issues not sufficiently addressed in the Working Group.
- Views of the SuR on conclusions and recommendations.
- Voluntary commitments of the SuR
- Concluding remarks of the SuR.
- Summary of the views expressed on the Outcome by Member and Observer States.
- Summary of general comments made by other relevant Stakeholders, including the NHRIs, during the Plenary.
After the Review – Follow up

- **Primary responsibility** for implementation of recommendations rests with the State under Review.
- The SuR is expected to follow-up on those recommendations that enjoy its support and on voluntary pledges and commitments.
- It is important to involve the Stakeholders and UN Agencies in the country in the follow-up of the recommendations.
- HRC Resolution 16/21 (Outcome of the HRC Review):
  - 17. States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.
  - 18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations.
- After exhausting all efforts to encourage a State to cooperate with the UPR mechanism, the Council will address, as appropriate, cases of persistent non-cooperation.
UN Human Rights Treaty Bodies
Treaty Bodies - The Committees

• Established under the respective human rights treaties (10 treaty bodies)
• Most consist of 18 independent experts, serving in their personal capacity
• Serve 4-year terms (renewable - only once in the case of CRPD, SPT and CED)
• Equitable geographic distribution
• Meet in sessions 2 or 3 times per year in Geneva
• Serviced by the UN Secretariat (OHCHR)
Main functions

✓ Monitor the implementation of the treaties
  1. Examination of periodic reports by States parties and issuing policy-oriented recommendations
  2. Examination of individual complaints/communications
  3. Inquiries into specific human rights situations

✓ Normative interpretation and clarification of treaties
  1. General comments (and statements)

✓ Cooperate with UN organs/organizations and NGOs
Reporting Cycle

1. Submission of the report
2. List of issues and questions
3. State replies to list of issues and questions
4. Constructive dialogue
5. Adoption of Concluding Observations
6. Follow up on implementation
Special Procedures of the HRC
Special Procedures

- Established by the Human Rights Council
- Procedures to promote and to protect human rights and to prevent human rights violations (37 thematic, 14 country-specific)
- Carried out by different mandate holders (SRs or WGs), in personal capacity
- Main activities
  - Thematic work
  - Country visits
  - Communications
  - Awareness raising and networking
- Report on their activities to Human Rights Council and the General Assembly
Business and Human Rights
UN Response 2005-2011

John Ruggie
Special Representative of the UN Secretary-General (SRSG)

- 2005 Deadlock
  SRSG appointed

- 2008 Breakthrough
  Protect, Respect, Remedy

- 2011 Culmination
  Guiding Principles endorsed by HRC

• Human Rights Council mandates
  o Identify and clarify standards of Corporate Responsibility
  o Clarify role of States
  o Provide guidance on the implementation of the Protect, Respect, Remedy Framework
Working Group on B&HR

- Human Rights Council resolution 17/4 Working Group on the issue of human rights and TNCs and other businesses. Mandate:
  - Promote dissemination and implementation of GPs
  - Promote good practices and lessons learned on implementation, assess and make recommendations, as well as seek and receive information in that context
  - Support efforts to promote capacity-building and use of the GPs, provide advice and recommendations on legislation and policies upon request
  - Conduct country visits
  - Explore options for enhancing access to effective remedies
  - Integrate gender perspective and attention to vulnerable persons, including children

Annual Forum
- Multi-stakeholder
- Discuss trends and challenges in implementation
- Promote dialogue
Summing Up
Lessons from human rights mechanisms for post 2015 monitoring and accountability

- Draw on existing mechanisms
  - Political accountability (role of parliaments)
  - Social accountability (public monitoring)
  - Independent oversight bodies (incl. NHRIs)

- Link existing global accountability mechanisms that provide a wealth of information on States’ efforts in meeting agreed goals, as well as the outcomes.

- Ensure participation of all stakeholders to hold duty-bearers to their promises, commitments and obligations
Lessons from human rights mechanisms

- Periodic and universal reporting
- Constructive dialogue and review and full involvement of State reviewed
- Issuance of policy-oriented, constructive, recommendations for follow-up
- National follow-up for the improvement of human rights situation
- Cyclical nature of reporting
- Promotion of dialogue and cooperation
- Involvement of stakeholders at all stages
- Peer review, intergovernmental and action-oriented
- Assessment of positive developments and challenges faced by the State.
- Enhancement of the States’ capacity and of technical assistance.
- Sharing of best practices among States and other stakeholders.
Lessons from human rights mechanisms

- **Defining a strategy for follow-up** to all recommendations stemming from the international HR system, including UPR, TBs and SPs
- Development of a **national human rights action plan** based on such recommendations, with specific timelines and benchmarks for success, and the close cooperation between the Government, the UN system and the international community for its implementation
- Setting up a **senior coordination mechanisms** for reporting and follow up, open to civil society
- Involvement of the **UN system at the national level** through the UNCT
- Identifying, disseminating, and facilitating the sharing/documentation of good practices related to follow-up efforts.
Lessons from human rights mechanisms

- **DHC mission to Moldova** (8-11 April 2014):

  “I welcome plans to provide an interim report to the Human Rights Council on the implementation of Moldova’s UPR recommendations [...]. Our Office has noted the incorporation of many of the first UPR recommendations into Moldova’s National Human Rights Action Plan 2011-2014. It will be important that all recommendations from the international human rights mechanisms, including the UPR, be implemented holistically”

- **UN - Republic of Moldova Partnership Framework 2013-2017** “Towards Unity in Action” expresses the collective determination of the Government of the Republic of Moldova and the UN to work together to address major national development challenges and meet international human rights commitments. The accompanying Action Plan, signed in December 2012, articulates how these commitments will be implemented.
Lessons from human rights mechanisms

- **Integration of recommendations** stemming from the international HR system, including UPR, TBs and SPs, into the CCA/UNDAF documents, so that UN action at the national level is based on such recommendations.

- **UN Secretary-General's Rights Up Front** plan of action; recognition that patterns in human rights violations provide clear warning signs of looming crisis. Strong commitment to pool and analyse all available information from actors within the UN. International recommendations provide for comprehensive analysis of national human rights situation and basis for actionable strategies on the ground.

- **Regional Mechanisms**; OHCHR has signed Joint Declarations to enhance cooperation with OSCE ODIHR (June 2014) and the Council of Europe (September 2013). The Joint Declarations call for appropriate measures to ensure that human rights as well as recommendations of the international human rights mechanisms are taken into account in each other’s work and that, where appropriate, cross-references to such instruments and recommendations are made in reports and action plans.
Lessons from human rights mechanisms

- **Development** should rest on the solid foundations of respect for human rights, the rule of law and good governance. In this context, coherent and holistic follow up to recommendations from the international human rights mechanisms provides the basis for action in line with governments’ legal obligations and political commitments.

- In **development policies of donors**, including the EU, respect for human rights must be understood not only as a goal but also as a means for achieving security, stability and inclusive growth and human development.

- **OECD Development Assistance Committee** could also be guided by recommendations from the international human rights mechanisms, especially those dealing with good governance, rule of law and human rights, thus securing the sustainability and success of development efforts.
Thank you